

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRED ALSTON as a Trustee of THE LOCAL 272  
LABOR-MANAGEMENT FUND, et al.,

Plaintiffs,

-v-

SELECT GARAGES, LLC,

Defendant.

CIVIL ACTION NO.: 24 Civ. 5439 (DEH) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge:

The Honorable Dale E. Ho has referred all dispositive motions filed in this action to the undersigned for report and recommendation. (ECF No. 6). Now before the Court is Plaintiffs' Motion for Default Judgment (ECF No. 12 (the "Motion")). In support of the Motion, Plaintiffs have filed a memorandum of law, declarations, copies of collective bargaining agreements, billing records, and an audit report regarding Defendant's liability and their requested damages, accrued attorneys' fees, and costs (ECF Nos. 13–16 (the "Damages Submissions")). It is not clear from the record, however, whether Plaintiffs have served the Motion and Damages Submissions on Defendant. Consequently, by **Tuesday, September 3, 2024**, Plaintiffs shall serve a copy of this Order, the Motion, and the Damages Submissions on the Defendant and file proof of service on the docket.

Defendant shall submit its response to the Motion and Damages Submissions, if any, no later than **Monday, September 16, 2024**. IF DEFENDANT (1) FAILS TO RESPOND TO PLAINTIFFS' MOTION AND DAMAGES SUBMISSIONS, OR (2) FAILS TO CONTACT MY CHAMBERS BY **Monday, SEPTEMBER 16, 2024**, AND REQUEST AN IN-COURT HEARING, I

INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING THE MOTION AND DAMAGES SUBMISSIONS BASED ON PLAINTIFFS' WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.") (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989)).

Dated: New York, New York  
August 28, 2024

SO ORDERED.

  
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SARAH L. CAVE  
United States Magistrate Judge